

JD

Mark N. Mutterperl (MM-1977)
 Mary Ann C. Ball (MB-9466)
 Chehrazade Chemcham (CC-1572)
 FULBRIGHT & JAWORSKI L.L.P.
 666 Fifth Avenue
 New York, New York 10103
 Tel: (212) 318-3000
 Fax: (212) 318-3400
 Attorneys for Plaintiff Research in Motion Limited

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF NEW YORK

RESEARCH IN MOTION LIMITED

Plaintiff,

-against-

BEYOND CELL INTERNATIONAL, JOHN
 DOES 1-50; and XYZ BUSINESSES,

Defendant.

08 CV 03322

CIVIL ACTION NO. _____

DECLARATION OF JOSEPH AGLIONE

FILED UNDER SEAL

I, JOSEPH AGLIONE, declare as follows, under penalty of perjury, pursuant to 28
 U.S.C. § 1746:

1. I make this declaration based upon personal knowledge. I am the president of The Stonegate Agency Inc. (hereinafter, "Stonegate"), and the keeper of its records. Stonegate is a licensed investigative agency. I was responsible for, and supervised, the investigation of Beyond Cell International's ("Beyond Cell") sale of alleged BLACKBERRY batteries on behalf of Research In Motion Limited ("RIM"). Specifically, I engaged agents who worked directly under my supervision and who reported to me. The investigation included researching Beyond Cell's website, purchasing batteries directly from Beyond Cell, and visiting the Beyond Cell premises. All of these activities were performed either by me or directly under my supervision.

2. I researched Beyond Cell International Inc.'s website -

<http://www.beyondcell.com> ("the Beyond Cell Website") - and found references to at least the following batteries purporting to be RIM BLACKBERRY batteries:

<i>BEYOND CELL BATTERY MODEL</i>	<i>BEYOND CELL BATTERY DESCRIPTION</i>
"BBB6510"	"RIM BlackBerry 6510 7290 7230 7200 7210 7250 7270 7280 7230 7510 7520 7750 7780 Li-ion Battery (Standard 1000 mAh Capacity)"
"BBB8100"	"BlackBerry 8100 Pearl 8120 Pearl 8130 CDMA-Pearl c-m2 Li-on Battery (1000mAh)"
"BBB8300"	"Blackberry RIM Curve 8300 8320 8310 7100g 7100i 7100t 7100v 7100x 7105t 7130c 7130e 7130g 8700c 8700f 8700g 8700r 8700v 8703e 8705g 8707g 8707v Li-ion Battery 1000 mAh"
"BBB8700"	"Blackberry RIM Curve 8300 8320 8310 7100g 7100i 7100t 7100v 7100x 7105t 7130c 7130e 7130g 8700c 8700f 8700g 8700r 8700v 8703e 8705g 8707g 8707v Li-ion Battery 1000 mAh"
"BBB8800"	"BlackBerry 8800 8830 Li-ion 1200mAH"

(collectively referred to herein as "the Batteries").

3. The Beyond Cell Website did not display any prices for the Batteries. To actually place an order, I had to open an account with the Beyond Cell Customer Service, provide an estimate of the intended purchase, and then subsequently received a price quote from Beyond Cell for the estimated purchase.

4. Beyond Cell quoted \$ 14.00 for each of the Batteries.

5. I ordered all of the Batteries directly from Beyond Cell and was charged \$14.00 per battery.

6. Beyond Cell then shipped the Batteries to me in New York.

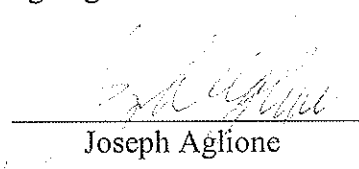
7. I delivered all Batteries and related documents, including receipts, invoices, and shipping slips to RIM's counsel, Fulbright & Jaworski L.L.P.

8. On Thursday, March 27, 2008, an investigator under my supervision visited the Beyond Cell premises at 12718 Schabarum Ave, Irwindale, California 91706 ("Beyond Cell Premises"). The investigator confirmed that Beyond Cell is continuing to offer for sale the Batteries at the Beyond Cell Premises.

9. On Tuesday, April 1, 2008, I visited the Beyond Cell Website and confirmed that Beyond Cell is continuing to offer for sale the Batteries through its website.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 1, 2008



Joseph Aglione